

<b>UNITED STATES OF AMERICA</b>	<b>*</b>	<b>CRIMINAL NO. 10-155</b>
<b>v.</b>	<b>*</b>	<b>SECTION: “S”</b>
<b>DAVID PATRICK MCGUIRE</b>	<b>*</b>	
<b>*</b>	<b>*</b>	<b>*</b>

If this case were to proceed to trial, the government would prove that the defendant, **DAVID PATRICK MCGUIRE (MCGUIRE)**, is guilty beyond a reasonable doubt of counts 1, 2 and 3 of the Indictment by establishing through credible and competent witnesses and evidence the following facts:

<sup>1</sup> For simplicity, masculine pronouns will be used for A.T. The pronoun used is not indicative of the actual sex of the individual.

A.T. stated that he is a Shell department supervisor and in June of 2008, **MCGUIRE** was working for him. **MCGUIRE**'s job performance was up for evaluation and after speaking with A.T.'s supervisors, it was decided that A.T. would give **MCGUIRE** the option to either retire or be terminated. **MCGUIRE**, who had been with Shell for over thirty-five (35) years, chose retirement.

Beginning in February of 2010, **MCGUIRE** began calling A.T.'s work phone and leaving vulgar messages. **MCGUIRE** felt that he had been improperly denied a severance package and he began to harass A.T.. On April 5, 2010, **MCGUIRE** made a series of calls to A.T.'s work phone and left five (5) derogatory and threatening comments on voice mail. After speaking with the Shell legal department, it was determined that A.T. would not pursue any criminal charges and that Shell's attorneys would send a cease and desist letter to **MCGUIRE**. In addition, Shell decided to advise **MCGUIRE** how to file a claim for the disputed severance package. The letter was hand delivered on April 7, 2010.

On Monday, May 3, 2010, **MCGUIRE** proceeded to place five (5) additional harassing and/or threatening phone calls to A.T.'s work phone. A.T. was not in and the calls went to his voice mail. Specifically, **MCGUIRE** stated in separate messages: "[b]est get out of your house. I'm going to burn that mother fucker;" "[g]et your family out of your house because someone told me that it might burn up along with your office;" "[g]et your kids and wife out of the house because I am gonna come over and roast some wieners and marshmallows." In addition, **MCGUIRE** stated that he had purchased a ".38 special" just for A.T.

When interviewed by the NOPD Officers, A.T. stated that **MCGUIRE** had worked with

him for the past three years and that he recognized his voice on the voice mail.

On May 18, 2010, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Special Agent John Carlton and Jefferson Parish Sheriff's Office Lt. Det. Lewis Frost interviewed **MCGUIRE** at his residence located at 1053 Fairfax Drive, Gretna, Louisiana. **MCGUIRE** stated that he retired from Shell in 2009 and that he believed that he was forced out by his superiors. **MCGUIRE** admitted making several phone calls to Shell employees at the company's offices located at One Shell Square. **MCGUIRE** also admitted making threats on the telephone to A.T., and, in particular, to threatening to burn down the Shell office and A.T.'s house by means of fire. **MCGUIRE** stated that he did in fact purchase a 38 caliber revolver but it was in his son's possession.

**APPROVED AND ACCEPTED:**

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**DAVID PATRICK MCGUIRE**      Date  
Defendant

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**ANTHONY J. ANGELETTE, JR.**      Date  
Attorney for Defendant

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**EDWARD J. RIVERA**      Date  
Attorney for the United States of America